

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA**

VIDEO GAMING TECHNOLOGIES, INC.,

Plaintiff,

vs.

CASTLE HILL STUDIOS LLC, *et al.*

Defendants.

CASE NO. 17-CV-00454-GKF-JFJ

**DEFENDANTS' MOTION TO SEAL OPPOSITION TO PLAINTIFF'S MOTION FOR
LEAVE TO FILE AMENDED COMPLAINT AND SUPPORTING DECLARATION**

Pursuant to Local Rule 79.1, and paragraph 2(f) of the Stipulated Protected Order (ECF No. 55) (the "Protective Order"), Defendants Castle Hill Studios LLC, Castle Hill Holdings LLC, and Ironworks Development LLC (together "Castle Hill"), hereby request that the Court enter an order sealing Castle Hill's unredacted Opposition to Plaintiff's Motion for Leave to File Amended Complaint (the "Opposition") (ECF No. 79) and Exhibits A, B, C, D, and E to the Declaration of Matthew J. Antonelli in Support of Defendants' Opposition to Plaintiff's Motion for Leave to File Amended Complaint (the "Antonelli Declaration") (ECF No. 80). In support of this request to seal, Defendants state as follows:

1. Portions of the Opposition contain information which either Plaintiff or Defendants has designated as sensitive and/or proprietary trade secret information. Pursuant to paragraph 2(c) of the Protective Order, such information is to be treated as Highly Confidential Information.

2. Exhibit A to the Antonelli Declaration consists of email correspondence between counsel for Castle Hill and counsel for Plaintiff Video Gaming Technologies, Inc. ("VGT") dated between May 17, 2018 and June 4, 2018. The correspondence refers to other discovery

material which has been produced as Highly Confidential Information. The correspondence also involves an unrelated discussion regarding a private health matter of a VGT employee. While the correspondence on that topic has not been designated as “Highly Confidential”, it is of a personal and sensitive nature and thus appropriately submitted under seal.

3. Exhibit B to the Antonelli Declaration is an excerpt from the deposition of Butch McGill that is referenced in the Opposition. Pursuant to paragraph 2(c) of the Protective Order, counsel for VGT may seek to designate portions of Mr. McGill’s transcript as Confidential, Highly Confidential, of Highly Confidential Source Code Information within thirty (30) days of receipt of the transcript. Until expiration of this period, the entire transcript is to be treated as Highly Confidential Source Code.

4. Exhibit C to the Antonelli Declaration is a document produced by VGT to Castle Hill during discovery in this matter, bearing Bates range VGT0001788 – VGT0001812. VGT has designated that document as Highly Confidential Information.

5. Exhibit D to the Antonelli Declaration is an excerpt from the deposition of James Starr that is referenced in the Opposition. Pursuant to paragraph 2(c) of the Protective Order, counsel for VGT may seek to designate portions of Mr. Starr’s transcript as Confidential, Highly Confidential, of Highly Confidential Source Code Information within thirty (30) days of receipt of the transcript. Until expiration of this period, the entire transcript is to be treated as Highly Confidential Source Code.

6. Exhibit E to the Antonelli Declaration is an excerpt from the deposition of Alan Roireau that is referenced in the Opposition. Pursuant to paragraph 2(c) of the Protective Order, counsel for Castle Hill may seek to designate portions of Mr. Roireau’s transcript as Confidential, Highly Confidential, of Highly Confidential Source Code Information within thirty

(30) days of receipt of the transcript. Until expiration of this period, the entire transcript is to be treated as Highly Confidential Source Code.

7. Pursuant to Local Rule 79.1, General Order 08-11, and the Protective Order, Castle Hill has filed both a public, redacted Opposition (ECF No. 77), and a sealed, unredacted Opposition (ECF No. 79). Likewise, Castle Hill has filed a public, redacted Declaration of Matthew J. Antonelli with the unsealed exhibits (ECF No. 78), and a sealed, unredacted Declaration with the sealed exhibits (ECF No. 80).

WHEREFORE, Defendants respectfully request that the Court enter an Order granting this Motion to Seal and sealing Defendants' Opposition to Plaintiff's Motion for Leave to File Amended Complaint (ECF No. 79) and Exhibits A, B, C, D, and E to the Antonelli Declaration (ECF No. 80).

Dated: June 11, 2018

Respectfully submitted,

/s/ Robert C. Gill

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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of June, 2018, I caused a copy of the foregoing **Defendants' Motion to Seal Opposition to Plaintiff's Motion for Leave to File Amended Complaint and Supporting Declaration** to be filed using the Court's ECF system, which will provide electronic notification of filing to the following counsel for Plaintiff:

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